

ter, introduced by Representative BERGER; to the Committee on Labor.

Also, petition of citizens of Wilmington, Vt., requesting a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. RAKER: Resolutions of the Los Angeles Chamber of Commerce on the Alaskan coal mines, etc.; to the Committee on the Public Lands.

By Mr. SLOAN: Resolution by Commercial Club of Beatrice, Nebr., indorsing the proposed arbitration treaty between United States and other nations; to the Committee on Foreign Affairs.

By Mr. STEPHENS of California: Resolutions of Southern California Congregational Conference, indorsing Anglo-American arbitration treaty between United States and England; to the Committee on Foreign Affairs.

Also, resolution of Humboldt Chamber of Commerce, of Eureka, Cal., requesting the Secretary of the Navy to transfer the sloop of war *Portsmouth* to San Francisco; to the Committee on Naval Affairs.

Also, report of the committee on mining of the Los Angeles Chamber of Commerce, relating to Alaska coal lands; to the Committee on Mines and Mining.

Also, memorial of Federated Improvement Association of the City of Los Angeles, Cal., for relief from restriction of American water shipping; and a resolution indorsing House bill 4660 as a measure which will give relief; to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Los Angeles Chamber of Commerce of Los Angeles, Cal., favoring the fortification of Los Angeles Harbor; to the Committee on Rivers and Harbors.

By Mr. TALCOTT of New York: Petitions of certain firms and citizens of Rome, N. Y., urging a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. UTTER: Resolution of the Charity Organization Society of Newport, R. I., advocating the appointment of a committee on public health of the House of Representatives; to the Committee on Rules.

Also, petitions of sundry citizens of Newport, R. I., favoring the establishment of a department of public health; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Local Council of Women of Rhode Island, favoring treaties of unlimited arbitration with Great Britain and other countries; to the Committee on Foreign Affairs.

Also, paper to accompany bill (H. R. 9223) granting an increase of pension to James M. Green; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to John N. Preston; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, June 7, 1911.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a memorial of Mount Belknap Grange, Patrons of Husbandry, of Gilford, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented the memorial of F. Van Dyne, of Washington, D. C., and the memorial of W. L. Evans, of Washington, D. C., praying for the passage of the so-called Johnston Sunday rest bill, which were ordered to lie on the table.

Mr. CURTIS presented petitions of Garfield Post, No. 25, of Wichita; of A. S. Everest Post, No. 493, of Atchison; and of Post No. 388, of Meade, Department of Kansas, Grand Army of the Republic, in the State of Kansas, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented memorials of Antioch Grange, No. 242, of Osage City; of Local Grange No. 1087, of Greenwood; and of Local Grange No. 1476, of Linwood, all of the Patrons of Husbandry, in the State of Kansas, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Liberal, Kans., remonstrating against the passage of the so-called Johnston Sunday rest bill, which were ordered to lie on the table.

Mr. FLETCHER presented a memorial of the congregation of the Seventh-day Adventist Church of Lakeland, Fla., and a memorial of the Seventh-day Adventist Church of Ocala, Fla., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. OLIVER presented a memorial of sundry druggists of Franklin County, Pa., remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

He also presented a memorial of the United Irish Society of Philadelphia, Pa., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Chamber of Commerce of Erie, Pa., favoring the appointment of a commission by the United States and Canada for the adoption of a definite plan for the prevention of the pollution of the waters of the Great Lakes, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Longwood Society of Progressive Friends, of Philadelphia, Pa., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of Washington Camp, No. 384, Patriotic Order Sons of America, of Donnally Mills, Pa., and a petition of Washington Camp No. 720, Patriotic Order Sons of America, of Johnstown, Pa., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. GAMBLE presented a memorial of Local Grange, Patrons of Husbandry, of Clark, S. Dak., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. DU PONT presented a petition of Pomona Grange, Patrons of Husbandry, of Newcastle County, Del., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a memorial of Rural Grange, No. 10, Patrons of Husbandry, of Cheswold, Del., and a memorial of Trophy Grange, No. 22, Patrons of Husbandry, of Felton, Del., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BRADLEY presented the petition of Mrs. James Bennett, of Richmond, Ky., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on the Judiciary.

Mr. GUGGENHEIM presented memorials of sundry citizens of Wray, Hygiene, Victor, Dover, Nunn, Fort Collins, Pierce, Eaton, Ault, Berthoud, Weld County, Denver County, Denver, and of the congregations of the Seventh-day Adventists churches of Hygiene, Salida, Canon City, Rocky Ford, Denver, Greeley, Longmont, Victor, Wray, La Salle, Arvada, Peaceful Valley, Cripple Creek, Blanca, Florence, Idaho Springs, Niwot, Capitol Hill, Denver, La Veta, and of the Colorado Conference of Seventh-day Adventists, all in the State of Colorado, remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. PERKINS presented memorials of the congregation of the Seventh-day Adventists Church of Modesto, and of sundry citizens of Healdsburg, Petaluma, and Berkeley, all in the State of California, remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the California State Eclectic Medical Society, praying for the establishment of a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Millmen's Union, No. 550, United Brotherhood of Carpenters and Joiners of America, of Oakland, Cal., praying that an investigation be made into the alleged abduction of John J. McNamara from Indianapolis, Ind., which was referred to the Committee on the Judiciary.

Mr. RAYNER presented a memorial of Taneytown Grange, No. 184, Patrons of Husbandry, of Maryland, and a memorial of Roslyn Grange, No. 241, Patrons of Husbandry, of Randall-

town, Md., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. NELSON presented a memorial of the congregation of the Seventh-day Adventists Church of Brainerd, Minn., and a memorial of the Seventh-day Adventists Church of Minneapolis, Minn., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of the Ancient Order of Hibernians, of Ramsey County, Minn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BRIGGS presented memorials of sundry citizens of Paterson, Jersey City, Newark, Dover, Boonton, Clifton, Mount Hope, New Brunswick, South River, Harrison, Union Hill, Perth Amboy, Passaic, and Hoboken, all in the State of New Jersey, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of the Pattern Makers' Association of Trenton; of Local Union No. 296, Journeymen Barbers' International Union of America, of Trenton; of Local Union No. 37, National Brotherhood of Operative Pottery, of Trenton; of Local Union No. 26, International Union of United Brewery Workmen, of Trenton; of Local Lodge No. 398, International Association of Machinists, of Trenton; and of Local Division No. 540, Amalgamated Association of Street and Electric Railway Employees of America, of Trenton, all in the State of New Jersey, remonstrating against the alleged abduction of John J. McNamara from Indianapolis, Ind., which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 199, International Brotherhood of Stationary Firemen, of Paterson, N. J., and a memorial of Local Union No. 55, International Brotherhood of Stationary Firemen, of Newark, N. J., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the congregation of the Seventh-day Baptist Church of Marlboro, of the New Jersey Tract and Missionary Society, of the New Jersey Seventh-day Adventists Conference, of B. J. Blinn, Samuel A. Paul, B. F. Kneeland, S. A. R. Benz, of Trenton, and of sundry citizens of Elizabeth, Pleasantville, and Jersey City, all in the State of New Jersey, remonstrating against the passage of the so-called Johnston Sunday-rest bill, which were ordered to lie on the table.

He also presented a petition of the National Association of Shellfish Commissioners, praying for the enactment of legislation providing for the economic utilization of waste products, the improvement of public sanitation, and the conservation of our natural resources, which was referred to the Committee on Conservation of National Resources.

He also presented a memorial of Local Grange, Patrons of Husbandry, of Windsor, N. J., and a memorial of Local Grange, Patrons of Husbandry, of Woodstown, N. J., remonstrating against the passage of the so-called cold-storage bill, which were referred to the Committee on Manufactures.

He also presented a petition of Washington Camp, No. 76, Patriotic Order Sons of America, of Elmer; of Washington Camp, No. 175, Patriotic Order Sons of America, of Ocean City; and of Old Glory Council, No. 16, United American Mechanics, of Rahway, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. BRANDEGEE presented a memorial of the Business Men's Association of Derby, Conn., remonstrating against the establishment of a parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. ROOT presented memorials of Stockbridge Valley Grange; Morrisville Grange, No. 1149; Claverack Grange, No. 934; Halcottville Grange, No. 350; Barre Grange, No. 1026; Perry Grange; Oswegatche Grange, No. 977; Lake View Grange, No. 920; Ulster Grange, No. 1065; Rensselaer Falls Grange, No. 1088; Pittsford Grange, No. 424; Camden Grange; Sherman Grange, No. 1128; Clintondale Grange, No. 957; Ansable Valley Grange; Rushville Grange, No. 1137; Grange No. 418; Ischua Grange, No. 953; Victor Grange, No. 322; Scottsville Grange; Walkkill River Grange; and Newark Grange, No. 366, all of the Patrons of Husbandry, in the State of New York, remonstrating against the proposed treaty of arbitration between the United States and Canada, which were referred to the Committee on Finance.

Mr. REED presented a memorial of sundry citizens of Macon County, Mo., remonstrating against the passage of the so-called Johnston Sunday-rest bill, which was ordered to lie on the table.

Mr. NEWLANDS presented resolutions adopted by Washington Chapter, American Institute of Architects of the District of Columbia, relative to the selection of the site for the proposed Lincoln memorial in the city of Washington, which were referred to the Committee on the Library.

Mr. CULLOM presented a petition of the Illinois Manufacturers' Association, praying for the adoption of an amendment to the corporation-tax law permitting corporations and companies to make returns as of the close of their fiscal years, which was referred to the Committee on Finance.

He also presented petitions of the Western Unitarian Conference, of the Local Council of Women of Rhode Island, of the congregations of the Presbyterian Church, the First Congregational Church, the English Lutheran Church, and the First Christian Church, all of Boulder, Colo., and of the Business Men's Association of Auburn, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of Local Division No. 1, Ancient Order of Hibernians, of Champaign County, Ill.; of the Central Labor Union of Hudson, N. Y.; of the Central Labor Union of Waterbury, Conn.; and of the Philip Sheridan Club, of Passaic, N. J., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Peoria, Ill., and a memorial of sundry citizens of Mattoon, Ill., remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

SALE OF LIQUOR TO INDIANS.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to which was referred the bill (S. 2624) to amend an act approved January 30, 1897, chapter 109, entitled "An act to prohibit the sale of intoxicating drinks to Indians," etc., asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs, which was agreed to.

THE CONGRESSIONAL DIRECTORY.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 42, submitted by Mr. SMOOR on the 15th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund the compensation usually allowed for compiling, editing, and indexing the edition of the Congressional Directory for the first session of the Sixty-second Congress, as prepared and published under the direction of the Joint Committee on Printing.

THE POSTAL SYSTEM.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 56, submitted by Mr. BOURNE, June 1, directing the Committee on Post Offices and Post Roads to inquire into and report to the Senate what changes are necessary or desirable in the postal system of the United States, etc., reported it without amendment.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SUTHERLAND:

A bill (S. 2653) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on the Judiciary.

By Mr. THORNTON:

A bill (S. 2654) providing for the appointment of an additional professor of mathematics in the Navy; to the Committee on Naval Affairs.

By Mr. TAYLOR:

A bill (S. 2655) to correct the military record of Jacob Linebaugh; and

A bill (S. 2656) to remove the charge of desertion standing against Henry Poe (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 2657) granting an increase of pension to William J. Braswell (with accompanying papers);

A bill (S. 2658) granting an increase of pension to Sterling Hughes; and

A bill (S. 2659) granting a pension to Joseph W. Wilson (with accompanying papers); to the Committee on Pensions.

A bill (S. 2660) for the relief of Marion B. Patterson; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 2661) for the relief of Conrad Seither, alias Conrad Seiter; to the Committee on Military Affairs.

By Mr. CURTIS:

A bill (S. 2662) granting an increase of pension to John A. Billings;

A bill (S. 2663) granting an increase of pension to Joseph Cooper (with accompanying papers);

A bill (S. 2664) granting an increase of pension to W. A. Coddington; and

A bill (S. 2665) granting an increase of pension to Leander W. Yost (with accompanying paper); to the Committee on Pensions.

By Mr. BACON:

A bill (S. 2666) granting an increase of pension to William P. Clark; to the Committee on Pensions.

By Mr. REED:

A bill (S. 2667) to remove the charge of desertion from the military record of Benjamin Ipock; to the Committee on Military Affairs.

A bill (S. 2668) granting an increase of pension to Isaac T. Atterberry (with accompanying papers); and

A bill (S. 2669) granting a pension to Samuel Robinson (with accompanying paper); to the Committee on Pensions.

(By request.) A bill (S. 2670) for the relief of Warner Jenkinson Co.; and

A bill (S. 2671) for the relief of John Moynihan (with accompanying papers); to the Committee on Claims.

By Mr. BRANDEGEE:

A bill (S. 2672) permitting suits against the United States for damages caused by vessels owned or operated by the United States; and

A bill (S. 2673) to authorize the maintenance of actions for negligence causing death in maritime cases; to the Committee on the Judiciary.

Mr. GALLINGER. I introduce a joint resolution, which was objected to yesterday by the Senator from Idaho [Mr. HEYBURN] when it was submitted by the Chair. I ask that it be referred, with the accompanying papers, to the Committee on Appropriations.

The joint resolution (S. J. Res. 33) to provide for the maintenance of the contagious-disease service in the District of Columbia during the fiscal year ending June 30, 1911, was read twice by its title and, with the accompanying papers, referred to the Committee on Appropriations.

WITHDRAWAL OF PAPERS—CHARLES E. JONES.

On motion of Mr. CURTIS, it was

Ordered, That the papers in the case of Senate bill 2372, Fifty-seventh Congress, first session, granting a pension to Charles E. Jones, be withdrawn from the files of the Senate, there having been no adverse report thereon.

REPORTS OF IMMIGRATION COMMISSION.

Mr. DILLINGHAM submitted the following concurrent resolution (S. Con. Res. 5), which was read and referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, with accompanying illustrations, for the use of the Senate and House of Representatives, 2,175 copies of the reports of the Immigration Commission, 475 for the use of the Senate, 1,200 for the use of the House of Representatives, 250 for the use of the Senate Committee on Immigration, and 250 for the use of the House Committee on Immigration and Naturalization; and that there be printed 8,000 additional copies of the abstracts of reports of the commission, 1,900 for the use of the Senate, 4,000 for the use of the House of Representatives, 1,250 for the use of the Senate Committee on Immigration, and 1,250 for the use of the House Committee on Immigration and Naturalization.

PURE-FOOD LAW—DEFINITION OF WHISKY.

Mr. GRONNA. I submit a resolution and ask unanimous consent for its present consideration.

There being no objection, the resolution (S. Res. 61) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to transmit to the Senate all the documents and data, including the official opinions and regulations of the Department of Agriculture or bureau heads thereof, together with all printed briefs, arguments, and reports of counsel representing the various interests connected therewith, in the matter of the controversy generally known under the caption or question "What is whisky?", accompanying the same with the decision or decisions rendered by the President in relation thereto.

PUBLIC BUILDINGS IN CITY OF WASHINGTON.

Mr. HEYBURN. I submit the following resolution and ask that it be read and that it may lie over.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 62), as follows:

Resolved, That the Secretary of the Treasury is hereby directed to inform the Senate what progress has been made toward the acquirement of title by the United States to the whole of squares numbered 226, 227, 228, 229, and 230, for the purchase of which appropriation was made under act of Congress approved May 30, 1908, and if title has passed to the Federal Government, when such title passed, the consideration to be paid therefor, in detail, and whether or not the former owners or lessees now occupying said buildings are paying any rent to the United States for the use of said buildings, and the amount thereof; and also whether or not the proposed plans for the buildings to be erected for the use of the United States Departments of State, Justice, and Commerce and Labor contemplate the occupancy of any portion of the land south of B Street commonly known as the Mall.

The VICE PRESIDENT. The resolution will lie over at the request of the Senator from Idaho.

SENATOR FROM ILLINOIS.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution, coming over from a former day.

The Secretary read Senate resolution No. 60, submitted yesterday by Mr. DILLINGHAM, as follows:

Resolved, That a committee consisting of the following members of the Committee on Privileges and Elections, Senators DILLINGHAM, GAMBLE, JONES, KENYON, JOHNSTON, FLETCHER, KERN, and LEA, be, and are hereby, authorized, empowered, and directed forthwith to investigate whether in the election of WILLIAM LORIMER as a Senator of the United States from the State of Illinois there were used and employed corrupt methods and practices, and whether he is now entitled to retain his seat.

That said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress; to hold sessions at such place or places as it shall deem most convenient for the purposes of the investigation; to employ stenographers, counsel, accountants, and such other assistants as it may deem necessary; to send for persons, books, records, and papers; to administer oaths; and as early as practicable to report to the Senate the results of its investigation, including all testimony taken by it; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

The committee is further and specially instructed to inquire fully into and report upon the sources and use of the alleged "jack-pot" fund, or any other fund, in its relation to and effect, if any, upon the election of WILLIAM LORIMER to the Senate.

Mr. DILLINGHAM. In lines 8 and 9 of the resolution, on page 1, I move to strike out the words "and whether he is now entitled to retain his seat." Those words do not appear in the Martin resolution which was sent to the committee, but were added to it.

The VICE PRESIDENT. The Senator from Vermont modifies his resolution as indicated. The modification will be stated by the Secretary.

The SECRETARY. In lines 8 and 9, on page 1, strike out the words "and whether he is now entitled to retain his seat."

The VICE PRESIDENT. Does the Senator from Vermont ask for the present consideration of the resolution?

Mr. DILLINGHAM. I ask for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. REED. I desire to offer an amendment to the resolution.

The VICE PRESIDENT. The Senator from Missouri does not object to its present consideration?

Mr. REED. He does not.

The VICE PRESIDENT. The resolution is open to amendment, and the Senator from Missouri offers an amendment, which will be stated.

Mr. REED. Mr. President, I am not at all certain but that the resolution in its present form is all right, but in view of the fact that it has been held a subordinate committee of a committee does not possess the authority of a full committee of the Senate, and taking into consideration the fact that the resolution as originally passed by the Senate specifically stated that the committee should sit in banc, it seems to me we ought to make it very clear that the committee now being created is a committee of the Senate, directly appointed by the Senate, and owing its authority solely to the Senate.

I therefore suggest an amendment. I move to amend the first line by adding, after the article "a," the word "special," and after the word "committee," in the same line, the words "of the United States Senate," so that the sentence as amended will read:

That a special committee of the United States Senate, consisting of, etc.

I think that would be a little safer and a little more certain.

The VICE PRESIDENT. The Secretary will report the amendment.

The SECRETARY. In line 1, before the word "committee," insert the word "special," and after the word "committee" insert the words "of the United States," so that if amended it will read:

Resolved, That a special committee of the United States Senate, consisting of the following members of the Committee on Privileges and Elections, etc.

Mr. DILLINGHAM. Mr. President, the words were not employed in reporting the resolution because it was not thought to be necessary, as this was declared to be a committee and was also directed to report directly to the Senate. I have no objection to having the amendment adopted if there is any possible doubt as to its being a committee of the Senate which would be authorized to act under the terms of the resolution. So I make no objection whatever to the amendment.

In this connection, however, I wish to state that when the Committee on Privileges and Elections took this matter up they spent considerable time in its consideration, both on Saturday and on Monday. The resolution was authorized in its present form for the reason that on that committee there are several members of other committees who are engaged in other inquiries requiring considerable time and they wished to be relieved of any work connected with this investigation. That recommendation was made by a vote of the committee and the chairman was directed to offer this resolution and to incorporate in it a clause requiring the report to be made, not back to the committee, but to the Senate.

I make this explanation because I thought the resolution was entirely clear, but since a question has been raised, I am very glad to have the amendment adopted.

Mr. CULBERSON. Mr. President, yesterday when this resolution was read in manuscript from the desk I objected to its consideration then because there were some changes in the resolution as reported from that as adopted by the Senate in what was known as the Martin resolution. I was particularly struck at the time and subsequently with the words on page 1, lines 8 and 9, "and whether he is now entitled to retain his seat," it occurring to me then and believing now that it at least squinted at the suggestion that this subject had been adjudicated finally by the Senate on the previous vote. But inasmuch as the chairman of the committee has on motion eliminated what I regarded as the principal objection to the resolution, though I believe it ought to have been reported in the words of the Martin resolution, I do not further object.

Mr. SUTHERLAND. Mr. President, I do not understand that the amendment proposed by the Senator from Missouri [Mr. REED] has been adopted.

The VICE PRESIDENT. It has not yet been adopted.

Mr. SUTHERLAND. I think, Mr. President, it is safer to leave the resolution as it reads: "That a committee consisting of the following members of the Committee on Privileges and Elections" be appointed.

If the word "special" is used to distinguish the committee from a standing committee of the Senate, of course it is not necessary, because it is a special committee in that sense. If the word "special" is used to distinguish it from a committee with general powers, then I think it might be unwise to insert that qualifying word.

We want this committee to have all the powers of any committee of the Senate, and if we let the resolution stand as it was reported I think there can not be the slightest doubt that it will have all those powers. I think it is far better to leave it as it is than to put in qualifying words which might result in its being held that the committee has less power than it should have.

With reference to the other words, making it read "committee of the United States Senate," of course they are wholly unnecessary, because the committee is a committee of the United States Senate. It could not be anything else, being created by the Senate, composed of Members of the Senate, and required to report to the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. REED]. [Putting the question.] The yeas appear to have it.

Mr. REED. I ask for a roll call.

The yeas and nays were ordered.

Mr. BAILEY. I ask the Secretary to read the amendment.

The VICE PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. In line 1, before the word "committee," insert the word "special," and after the word "committee" insert the words "of the United States Senate," so that if amended it will read:

Resolved, That a special committee of the United States Senate, consisting of the following members of the Committee on Privileges and Elections, etc.

Mr. BAILEY. Mr. President, I can not possibly conceive any good purpose to be served by designating this committee as a special committee. It will not enlarge the powers of the committee, it will not change the personnel of the committee, and, consequently, I am unable to understand why it should be urged.

While I am on my feet, Mr. President, I want to say that the action of the full Committee on Privileges and Elections was taken on my own motion, because I am not able, and other members of the committee are not able, on account of our duties as members of the Finance Committee, to suitably execute the instructions of the Senate. Obviously it was impossible for me to aid in conducting this investigation without neglecting the duty which the Senate has assigned to me as a member of the Finance Committee, and when I urged that upon the committee some of them reluctantly consented to this action.

The members of the committee as reported are the members whom I proposed. Ordinarily, as the Democrat of longest service on the Committee on Privileges and Elections, I would have accepted service on this subcommittee, but for the reasons which I have already indicated I asked to be excused. The Democrat next to me in service on that committee is the Senator from Kentucky [Mr. PAYNTER], but for reasons of his own, reasons which were deemed entirely sufficient, he also asked to be excused; and the Democratic membership of it was made up without any discrimination amongst us, the four Democrats assigned to the service constituting the remaining Democratic membership of that committee.

We felt, however, that as the Senate had already determined in favor of this investigation being made by the Committee on Privileges and Elections, it was fair and right that this smaller committee should be made up from the membership of that full committee. It was necessary, however, in the view of some, and it was necessary, in my own view, in order to clothe that committee with all the power which the Senate could confer upon a committee, and to authorize it to invoke the Federal statutes against contumacious witnesses, that we should report it back to the Senate, and have the Senate constitute it as its committee. I did not think it ought to be called a subcommittee; I did not think it ought to be called a special committee; but I thought it ought to be called, as the statute calls it, "a committee"; and unless there is some reason affecting the powers or capacities of the committee, I hope the Senate will not undertake to change the name as reported by the full committee.

I did not myself participate in drawing the resolution which the honorable chairman of that committee [Mr. DILLINGHAM] has reported to the Senate, but I do understand that it was reported after a conference with the four Democrats who are to be members of that committee.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. I do.

Mr. BORAH. I wish to ask the Senator from Texas if this committee would have any different power whether it is called "a special committee" or "a committee of the Senate," as it is called?

Mr. BAILEY. I think not. I can not imagine that to describe it as "special" or "sub" could enlarge or could curtail its power, and for that reason I should myself prefer to see it made a committee of the Senate, because that is the language of the statute.

Mr. BORAH. It occurred to me, Mr. President, that a special committee could not have any greater power in any event than a committee of the Senate.

Mr. BAILEY. That is absolutely certain, and I am willing to grant that it could not have less power; but the statute does not speak of subcommittees; it does not speak of special committees; but it speaks of committees. I think we avoid all sort of question by conforming the language of the resolution to the language of the statute, and I hope that will be done.

Mr. ROOT. Mr. President, I rise merely to say that the reason given by the Senator from Utah [Mr. SUTHERLAND] against the use of the word "special" seemed to me to be conclusive. I think we add nothing by its use. I should be quite willing to see the words "of the Senate of the United States" included after the word "committee." I do not think it is necessary, but I think it would be perfectly safe. So I rise for the purpose of asking for a division of this proposed amendment or suggesting that perhaps the Senator from Missouri [Mr. REED] might, while clinging to the second amendment, abandon the first.

Mr. REED. Mr. President, I want to say that in using the word "special" I had nothing in mind except to distinguish clearly between the proposed committee and the standing com-

mittee as such, so as to make it plain that this was not a subcommittee of the standing committee. My reason for this grows out of the fact that we all understand the courts, when they come to construe any act of Congress or of any legislative body, are constantly taking into consideration the history of the act itself and even have resort to the debates. If they were to take into consideration the history of this act up to this hour it would be this: The Senate passed a resolution specifically directing the Committee on Privileges and Elections in banc to take up and consider this matter. The committee reports back this resolution, and in the resolution uses this language:

That a committee consisting of the following members of the Committee on Privileges and Elections.

If they had not used that language, "members of the Committee on Privileges and Elections," no amendment would have been necessary, but having used it, I felt that some court might find a ground or a reason for saying, after all, this is only a subcommittee of the Committee on Privileges and Elections, and that we had no right to allow any doubt to exist in regard to the matter.

Now, since the words "special committee" are objected to, I have no reluctance in withdrawing the word "special" and allowing the other words "of the United States Senate," which are agreeable to the Senator from New York, to remain, so that by specific language we may make the proposed committee a committee of this body and not a subcommittee of a committee.

I want to say that I did not offer the amendment with the intention of provoking any discussion or debate, and I will withdraw the word "special," allowing the rest of the amendment to stand.

The VICE PRESIDENT. Is there objection to the withdrawal of the word indicated by the Senator from Missouri? The Chair hears none. The question, then, is on agreeing to the amendment as it now stands.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from Missouri whether, in carrying out his purpose to avoid the appearance of a subcommittee, we should not strike out the words "members of the Committee on Privileges and Elections"? Otherwise, upon the face of the resolution itself, this so-called committee of the Senate will appear to be merely a fraction of another committee.

Mr. REED. I will say to the Senator that I think if we put in the words "of the United States Senate," so that it will read "a committee of the United States Senate," that will cover the question.

Mr. BAILEY. Mr. President, I would suggest, in agreement with the Senator from Nebraska [Mr. HITCHCOCK], that the words "the following members of the Committee on Privileges and Elections" are words of mere description. Of course, we could constitute no committee except a committee of the United States Senate. I believe if those words were eliminated and the resolution should read "that a committee consisting of the Senators named be appointed," that that would be quite as clear, and I think the phraseology would be a little less awkward.

Mr. WORKS. Mr. President, I should like to ask the Senator from Texas, in view of the fact that the resolution itself specifically defines the powers of the committee, whether the name of the committee has any significance whatever?

Mr. BAILEY. The Senator from California alludes to the resolution now before us?

Mr. WORKS. Yes.

Mr. BAILEY. I think not. I think those words are mere words of description and entirely—I will not say superfluous, because that might reflect upon the draftsman's skill or the honorable Senator who presented it; but I will say that they are unnecessary, and for that reason I think the resolution would read a little smoother if they were out. But that is immaterial with me. The only thing that I want made certain is that there is no question as to the power of this committee, because it is quite possible that they will reach a point in their deliberations where they will procure the evidence they seek if their power to obtain it is clear, where if their power is doubtful they might encounter a resistance. Consequently I think it ought to be made clear.

Mr. ROOT. Mr. President, I should be sorry to see those words go out, and I suggest to the Senator from Texas that while they are not necessary to the efficiency and effectiveness of the resolution they do carry a certain significance as indicating that this resolution is not a reversal of the former action of the Senate or a repudiation of the Committee on Privileges and Elections, but is rather a development in the natural course following upon the action already taken. I think they have a

certain explanatory value for all who may consult the records hereafter regarding the course of this proceeding, and I should hope the words would remain.

Mr. BAILEY. Mr. President, of course the Senator from New York and no other Senator would suspect the chairman of the Committee on Privileges and Elections of making a report that in any wise repudiated that committee, and I think that there will be no difficulty for any man interested in the matter to ascertain that these Senators are of that committee. I say to the Senator from New York that the real purpose which I had when I first took the floor was to incorporate in the record a statement of this transaction. It was more for that than for any other purpose that I rose.

Mr. BACON. Mr. President, I think there is a good deal of force in the suggestion of the Senator from Missouri [Mr. REED]. I am of opinion that one of two things ought to be done, either the words "of the United States Senate" ought to be inserted, or else the words suggested by the Senator from Texas [Mr. BAILEY] ought to be eliminated. Either one course or the other will fix the difficulty, or possible difficulty, suggested by the Senator from Missouri.

Mr. DILLINGHAM. I understood that the words "of the United States Senate" were incorporated on the suggestion of the Senator from Missouri.

Mr. BAILEY. That has not yet been done.

Mr. BACON. It is pending. I did not think that it had been agreed to. I do not think the Senate has acted upon it.

Mr. DILLINGHAM. I understand that it is contained in the motion of the Senator from Missouri.

Mr. REED. That is my motion.

Mr. BACON. I certainly was very unfortunate if I did not so state. It is upon the motion of the Senator from Missouri and not upon mine.

Mr. DILLINGHAM. I beg the Senator's pardon. I misunderstood him.

Mr. BACON. But I simply rose to say that I think one or the other course ought to be adopted. I am inclined to agree with the Senator from Texas that the better course is the elimination of the words indicated by him, but it would be a mistake, I think, to fail to do either one or the other, because of the possibility of a construction by some court, which we do not wish to leave any opportunity for. Therefore I hope that one amendment or the other will be adopted. I would be content with the amendment offered by the Senator from Missouri, and if that shall fail I hope the other may be adopted.

Mr. HEYBURN. Mr. President, I should like to have the amendment again stated.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. After the word "committee," in line 1, it is proposed to insert the words "of the United States Senate."

The VICE PRESIDENT. The question is on agreeing to the amendment, on which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. BAILEY. Mr. President, I ask that the order for the roll call may be vacated. There can be no reasonable objection to that amendment.

The VICE PRESIDENT. Is there objection to vacating the order for the yeas and nays? The Chair hears none. The question is on agreeing to the amendment offered by the Senator from Missouri.

The amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

ALFRED L. DUTTON.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (S. 897) for the relief of Alfred L. Dutton. It will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Alfred L. Dutton shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Battery E, Third United States Artillery, on the 18th day of June, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONTAGIOUS DISEASES SERVICE.

Mr. HEYBURN. Mr. President, I rise to a question of personal privilege.

Yesterday the Vice President laid before the Senate "a communication from the president of the Board of Commissioners of the District of Columbia, transmitting a draft of a proposed joint resolution to provide funds for the continuance of the contagious diseases service during the remainder of the current fiscal year."

The Washington Star last night, under the headline, "Senator HEYBURN blocks effort to bring matter before the Senate," publishes an article which in part says:

Senator HEYBURN this afternoon prevented the laying before the Senate of an appeal of the District Commissioners for legislation providing funds for the continuance of the contagious diseases service.

Vice President SHERMAN, to whom the letter from the District Building was addressed, presented it to the Senate, but as the clerk was reading a summary of the commissioners' request Senator HEYBURN interrupted.

"Is that proposing legislation?" exclaimed Mr. HEYBURN. "If it does, it ought to come to some Member of this body."

The RECORD shows that I said it had better come from some Member of this body.

"That seems to be the nature of it," responded the Vice President, noticing a draft of a resolution inclosed in the letter, "and the Chair withdraws the communication."

The same statement, in substance, is found in this morning's Washington Post.

I desire it to appear, as the fact is, that I did not oppose the legislation except for the reason that it was not introduced or proposed by any Member of this body. It was purely because it was proposed legislation coming from some one outside of this body. I intended no opposition whatever to be made to the legislation, but only to the manner in which it came before the Senate, and I was not in any manner attempting to block the legislation. I am thoroughly in favor of it, and this morning it came in the usual manner, being presented by the Senator from New Hampshire [Mr. GALLINGER]. I am in thorough accord with the legislation, and do not desire to be held up through the newspapers as having in any way opposed it or sought to delay it.

The VICE PRESIDENT. The Chair will state that the matter was clearly in violation of the resolution passed by the Senate January 20, 1908, and as soon as the Senator from Idaho called the fact to the attention of the Chair he withdrew the document and returned it to the Commissioners of the District, calling their attention to the resolution which the Senate passed in January, 1908.

OREGON & CALIFORNIA RAILROAD LAND GRANT.

Mr. CHAMBERLAIN. Mr. President, I will occupy the time of the Senate for only a moment, and it is for the protection of the public that I desire to interrupt the proceedings for a moment.

Some time ago, acting in pursuance of a resolution of the Senate, a suit was instituted for the cancellation of the land grant of the Oregon & California Railroad Co. in Oregon, involving something like 2,000,000 acres of land. That suit has been tried and has been determined in favor of the Government of the United States.

Mr. President, there are various parties speculating on the decision of the higher court and inducing innocent people to invest in what they term "preference rights" to this forfeited grant. In other words, speculators are holding out to the public in various cities of the West that for a certain consideration they will obtain for those who are willing to invest money a preference right to these forfeited lands.

There is absolutely no warrant or authority for this attempted speculation upon the guileless public, and I want to call the attention of the public to the fact that there is no warrant or authority vested in anybody to sell these preference rights to the land which has been forfeited to the United States, even if the decision of the circuit court of Oregon should be sustained by the Supreme Court of the United States.

In this connection I desire to call attention to an article published in the Portland (Oreg.) Journal of May 16, 1911, and, as far as I may be able to do so, I desire to warn the public against speculating in these lands which have been forfeited to the Government, because if the decision of the Federal court of Oregon is finally sustained by the Supreme Court of the United States the disposition of these lands must finally be vested in the Congress of the United States. So nobody under any law which is now upon the statute books of the country is authorized to sell or to attempt to sell any of these lands to anybody who may undertake to purchase them now.

The VICE PRESIDENT. Without objection, the article will be printed in the RECORD. The Chair hears no objection, and it is so ordered.

The article is as follows:

LOCATORS PLACE HOMESTEADERS ON FOREST RESERVES—RECENT DECISION IN OREGON-CALIFORNIA LAND-GRANT SUIT GIVES UNSCRUPULOUS OPPORTUNITY FOR FRAUD, ALLEGED.

[Portland (Oreg.) Journal, May 16, 1911.]

Formal complaint has been made to United States Attorney John McCourt by the Forestry Department that following the recent decision of United States Judge Wolverton in the Oregon and California land-grant suit there has been a resumption of the location of unsuspecting persons on railroad land within forest reserves. Large fees are charged by locators, it is alleged, and a rank fraud is perpetrated on those who give up their money for supposed right to valuable timber land.

NO CHANCE FOR TITLE.

There is, say the United States officials, absolutely no chance of any one profiting by squatting on the railroad land within the limits of the United States forest reserves, as even should the Government finally be successful in the suit, the land within the reserves would at once become a part of the reserve and a squatter would be without a right to the land or a possibility of obtaining any. The locators whom District Forester George H. Cecil complains of as being especially active have been at work around Estacada, on the Springwater division of the Oregon Water Power & Railway, and are working out of Portland. They plan, it is said, to get unsuspecting people, who are unacquainted with the status of the land-grant suit further than that it was decided in favor of the Government, to pay them large locating fees to be shown a valuable tract of timber land now owned by the railroad, but which the court holds the railroad is not entitled to.

LOCATORS GET LARGE FEES.

"Unscrupulous locators have been placing people on lands involved in this suit," says Mr. Cecil, "within the boundaries of the Oregon National Forest. Large fees are extracted from these persons, who, through ignorance of the true status of these lands, have been led to believe they are open to settlement or that preference rights may be secured by squatting on them."

Land particularly referred to by Mr. Cecil is the odd sections in township 4 south, ranges 5 and 6 east.

The Government is powerless to prevent these fraudulent locations, the only remedy the bunkoed ones have being the bringing of civil suits in the State courts. It is possible, also, that people who locate on railroad land other than timber and outside of a forest reserve might at some future time be given preference in filing by an act of Congress. Such possibility is remote, however, and scarcely to be counted. It is generally expected, should the Government win its case in the Supreme Court, that nontimber lands will be sold in the same manner that recent Indian reservation lands have been disposed of, by the fixing of a minimum price and the sale of the land to the highest bidder, with provisions for settlement strict enough to limit the purchases to bona fide settlers.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I ask unanimous consent that the Senate resume the consideration of the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. RAYNER. Mr. President, I shall be brief in the remarks I propose to submit to the Senate to-day. I hope that this is the last speech I shall make upon the subject of the election of United States Senators by the people until the proposition comes before the people. I have participated in this discussion for many years, and now for the first time I see upon the horizon the sign of promise.

Before submitting the remarks I intend to submit, I want to appeal to those Senators upon the other side of the Chamber who are in favor of the election of United States Senators by the people to change their minds, if possible, upon the question of the Bristow amendment, which is substantially the Sutherland amendment of last session.

I do not intend to discuss the legal aspects of the subject matter. I have done this so frequently that it has become tiresome, and I do not intend to advert to it. I want to look at it from a practical standpoint just for a moment before I submit the remarks I intend to. And let me say this, that by adhering to the Bristow amendment you are imperiling the passage of the general resolution.

I will admit, for the sake of argument, that with the Bristow amendment in it the joint resolution will pass. I intend to vote for it, but I am only one. I am against the amendment of the Senator from Kansas [Mr. Bristow], but I am for the joint resolution, even if the amendment of the Senator from Kansas should carry. But that is not the position of a great many of my colleagues upon this side of the Chamber.

Admitting for the sake of argument that with that amendment in it the joint resolution can obtain a two-thirds vote in the Senate, let me say this to you, and I say it with all the earnestness and sincerity that I possess: With that amendment in the joint resolution you imperil and jeopardize the ratification of the joint resolution by three-fourths of the States, as required by the Constitution. You might as well look at this question from a practical standpoint. It is not what I may think; it is not what any Senator here may think; but it is necessary to carry 36 States in order to ratify the joint resolution for the election of United States Senators by the people; and, in my

judgment, with the Bristow amendment in it, you take a chance with nearly every Southern Commonwealth in this Union. With the Bristow amendment out of it, I do not believe the question will be asked upon the hustings in any of the Northern or Middle or Western States whether there is such an amendment in it or whether it is out. The attention of the people will not be directed to it. But it will be directed to it in the South.

The State of Georgia, for instance, in my judgment, will not ratify the joint resolution with this amendment. I do not think the State of Mississippi will ratify the joint resolution with the Bristow amendment in it, and I can name one Southern State after another in doubt, and we are not in a position to lose any of them.

Before submitting the remarks I intend to, because I did not intend to say anything about what I am now saying, I make an earnest appeal to those Senators who were with us last session not to change their minds now and force this amendment into the body of the joint resolution, because we must look to the end and the termination of this great struggle. And I say to you that I believe that if you place that amendment in it you imperil the joint resolution in every Southern State.

Mr. SUTHERLAND. Mr. President—

Mr. RAYNER. Mr. President, I did not intend to say this when I rose.

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Utah?

Mr. RAYNER. I will submit to an interruption.

Mr. SUTHERLAND. Does not the Senator from Maryland recognize that if the Bristow amendment should not be adopted it would imperil the joint resolution in a great many of the Northern and Western States?

Mr. RAYNER. Mr. President—

Mr. SUTHERLAND. Let me just follow that for a moment.

In the first place I want to direct the attention of the Senator from Maryland to the fact that there are a great many people in this country who are sincerely opposed to taking from Congress the supervisory power over the election of Senators which it now possesses under the Constitution. Those people, or a very large number of them, will be found opposing the adoption of this joint resolution if it passes as it is now presented to the Senate, and in addition to that—

Mr. RAYNER. I understand that question.

Mr. SUTHERLAND. In addition to that every man who is opposed to that portion of the joint resolution which proposes to give to the people the right to elect will use this other provision for the purpose of defeating it before the legislatures.

Mr. RAYNER. I like to agree with the Senator from Utah, because I know he is always sincere and earnest, but I do not believe that this event will ever take place. I do not believe the question will ever be asked outside of the Southern States on any hustings in the country whether or not we, in substance, preserve this power in the Constitution. I do not think the attention of the people will be directed to it. I do not think they care. In other words, I think, with the Bristow amendment out of it, all the States which would vote for it with it in will vote for it anyway. But I do say you will have a tremendous struggle in the Southern States if you put it in to carry perhaps any one of them.

Now, let me proceed to the general discussion.

Assuming now that the amendment goes in or assuming that the amendment does not go in, upon this measure the time for action has arrived. I am satisfied that no one in this body can now be swayed one way or the other by argument. The ingenuity of the human intellect has been exhausted in the discussions upon this subject. I challenge the genius of the Senate to advance a single proposition upon either side that possesses the inspiration of novelty. The field of tradition, of history, public policy, and of constitutional and statute law has been explored in order to discover resources for this protracted debate that has now been progressing for years upon this mighty problem. The people have listened patiently and submissively, and now they demand from their representatives in this body the privilege of voting. They demand with rightful claim and resistless numbers that the right to vote shall pass from us to them. They have no intention of violating the spirit of the Constitution, and I deny now, as I have denied time and time again, that this change affects the spirit of the instrument. It takes away the election of Senators from the people's servants and transfers it to their masters. It withdraws it from the agent and confers it upon the principal. The spirit of the Constitution remains inviolate and intact, because the Constitution was made by the States, and this amendment, if adopted, will be the work of sovereign States, acting under constitutional prerogative. Three-fourths of the States and not three-fourths of the people

must ratify this act. The power to amend stands isolated and alone upon the pages of that imperishable document, the power that obviates the necessity of revolution, because the States, when they speak, speak under the grant and privilege of the Constitution. The States have practically spoken, though not in constitutional form, and the people in the States have spoken.

Mr. HEYBURN. Will the Senator permit me to ask him a question?

Mr. RAYNER. Certainly.

Mr. HEYBURN. I ask the Senator whether any State has indorsed a change in section 4 of Article I of the Constitution of the United States?

Mr. RAYNER. None that I know of.

Mr. HEYBURN. No.

Mr. RAYNER. But this is the point I am making—

Mr. HEYBURN. Would the Senator be willing to state how many States in his judgment would support such a proposition if it stood alone?

Mr. RAYNER. I believe this. I believe that if the Bristow amendment is left out of the resolution the general proposition will carry in almost every State in the Union. That is my firm conviction. I hardly think we would lose a single Commonwealth in the Union if Senators on the other side would take the Bristow amendment away from the body of the resolution.

The people are speaking everywhere. They have in some sections of the country lost their faith in legislative assemblages. In over 100 years since the Constitution was framed, the panorama of public life has moved on and the scene upon the canvas now represents the people in control.

The people have demonstrated that they are capable of self-government, and that the standard of this great assemblage will not be lowered if we permit them to select its membership. The system is now practically in vogue in every State where primary elections finally decide the issue. If the people of these United States are not qualified to elect their Senators, then they are not qualified to exercise the franchises of free-men or enjoy the advantages of republican institutions. If this is the condition, it might be best for us to resolve ourselves into an oligarchy and appoint political managers to select our public representatives for us. Speaking for myself alone, I would not desire to remain here for a moment if I thought my presence was distasteful to the will of my constituency. Though elected both at a primary election and, of course, by the general assembly of my State, nevertheless if I was here against the protest of my constituency, I would become so embarrassed in the performance of my public duties that I would feel that I had usurped the place I occupy. Who do I represent here; my State in its sovereign capacity? Yes. But what is my State except the people who compose it. Are the people of the State one thing and the State another? Then who is the State? Do the political leaders of the State constitute the State? Is that which has been rightfully denominated the despotism of the Republic the prevailing sentiment of this body? Fellow Senators, are we imbued with fear of the people of our States? Do we believe that in our supreme power we measure so much above the standard of their intelligence that they can not, in their limited vision, grasp the heights upon which we repose, that our selection must continue to be vested in the legislatures, and that the legislatures in a number of instances are also incompetent to make the choice and they must relegate it to an autocracy whose purposes are at war with the institutions of the Republic? I shall not discuss the merits of the proposition. I have finished this task in my advocacy of it for a quarter of a century, from the day that it passed with unanimity in the House of Representatives. We will discuss the merits in our several States when the subject is presented to them, and presented to them it will be. We have delayed it; we have postponed it; we have impeded and obstructed it, I will admit with the best motives on the part of the Senators who are opposed to it; but the hour has arrived when the battle is on, and that battle must either be lost or won. There is no compromise in sight. Principles can not be compromised, and this is not a policy but a principle that is involved. Dilatory tactics and parliamentary devices can not baffle and overpower the movement.

Every political reform of this sort has started in the camp of the minority and then it has gradually increased its converts until it has been taken up upon the tide of public opinion, and as the tide sweeps on to its destination the debris and the wreckage of stranded hulks can not obstruct it in its course. I know that public opinion changes; that at times it veers and trims with the passing winds, but never when it is in pursuit of a great political truth like this. It clings to it until the achievement and every hindrance becomes only an incentive to renewed effort. I hate to touch the Constitution of the United

States. Not because it is a perfect instrument; because we know that it is not. We know that it was the result of compromise, conciliation, and adjustment; but there it stands, the greatest political document ever delivered to the human race. The patriots who framed it, however, foresaw that the day would come when it might require modification in its nonessential features, and so far as its essential features are concerned, they were willing to trust the people that they would never change the integrity of republican institutions. This is a non-essential feature, take it as you will, so far as the Constitution is concerned. It does not touch its life. On the contrary, the change will prolong its life. I said during the last session that the greatest argument delivered against this measure was that of the Senator from Massachusetts who preceded the present junior Senator from that State, and I attempted to show that the reasons advanced had all passed into oblivion. And so they have.

Mr. President, there is one circumstance, however, in connection with this business that I do not like at all, if I may be allowed to digress for a moment. I read in a paper the other day a brief editorial written by an old college friend of mine, who has a certain degree of intelligence and sense, which reads as follows:

How does Senator RAYNER come to accept the leadership of ex-President Roosevelt upon the question of the election of United States Senators by the people? We believe firmly in the position that he has taken, but how does he reconcile the anomaly of his standing upon precisely the same platform that the ex-President does?

I do not like this, Mr. President. When I am on a platform I stay there. The ex-President, however, has a peculiar gift and talent of getting on and off of platforms that I do not possess. No other individual in the United States has the genius that he has in this connection. He can make a speech upon the platform of a railroad train, where the stations are only a mile apart, and recant at one station what he had said at the station he had just passed; he can recommend the selection of a progressive Senator in one State, and then with equal vehemence indorse an extreme conservative in another; he can stand upon two political platforms, each radically differing from the other, and then deny that he stood upon either of them; he can coquette with both political parties and then start a party of his own, whose doctrines and principles consist of an incoherent medley of unconstitutional impossibilities; he can stand upon a platform before an intelligent audience of 3,000 people and tell them how at the dead of night upon the borders of an African jungle, upon the banks of a river that never had any existence, when no one was with him, he encountered and slaughtered a mythological animal that God had never created, and receive the wildest plaudits for the miraculous performance of this impossible accomplishment. [Laughter.]

Senators must not consider for a moment that I am in any manner unfriendly to the ex-President. On the contrary, I am very fond of him, and, as this editor says, we both agree in every particular upon the identical subject that I am discussing here to-day. My objection is not so much to the principles that he advocates, because I believe in quite a number of them, but in the peculiarity that he possesses of changing front so quickly that it is utterly impossible for the human mind to keep track of him in his evolutions. In this connection, I recall in the famous railroad-rate debate that took place during his administration that he sent for me to inquire how I stood upon the supreme issue that was before us at a critical stage of that controversy.

When I gave him the information he said that he was pleased beyond expression that I had arrived at the same conclusion that he had reached. "Now, stand to your colors," he said. "Do you recall what Colin Campbell said to his Sutherland Highlanders at Balaklava?" I happened to remember the incident that, turning to his regiment, he said: "Men, there is no place to retreat from. You must die where you stand." "That is exactly it," said the President. "You have a wonderful memory, and, if necessary, we will die together." The next day, when the vote was taken, I stood to my colors and died where I stood. Just as I was about dying, however, I looked around for the President, who had promised to die with me, but he had neither died nor retreated. On the contrary, I never saw anyone more constructively alive. Under the gentle guidance of the junior Senator from Massachusetts he had slipped away during the night, while we were all slumbering, and there he stood, it is true, with the colors in his hand, but they were the colors of the opposition, and when I returned to life and met him a short time afterwards the only explanation I received for this maneuver, unparalleled in point of strategy upon the pages of political history, was his remark to me: "Well, you all died a glorious death. I was so sorry I could not be with you." [Laughter.]

Mr. President, I am not greatly interested in ancient or medieval illustrations in support of or in opposition to the measure that is now before us. I received a communication yesterday from an ancient friend of mine, inclosing an article of 180 closely typewritten pages upon "The historical evolution of the Spartan constitution and the Athenian Areopagus," and asking me whether I would have it published, as it would illuminate the subject now under discussion and make us desist from leveling this attack upon the traditions of the Republic. I do not intend to read a line of this article, whether it illuminates me or not. I do not intend to have it published. The author said if I would do so he would reimburse me out of the proceeds. Mr. President, there will be no proceeds. I wrote him that I had read everything of consequence that had ever taken place from the time that Eve and the serpent met in the Garden of Eden, and that I never intended reading another line of what has occurred in the past.

What do I care in this discussion about the Grecian assemblies at the time of Lycurgus? What difference does it make to me whether Lycurgus believed in a senate of elders or not, or whether Solon left the supreme magistracy of the state in the hands of its nobles, or whether Augustus destroyed the independence while he restored the dignity of the Roman senate? We are not nobles. I have enough dignity. I would rather have a little less dignity and more independence. I know that about the time of Cæsar the independence of the Roman senate ought to have been destroyed. The Senate then consisted of about 1,000 members, most of whom were privately and publicly depraved and corrupt and reflected disgrace and dishonor upon their rank and station. I have wasted years over this, and what I am concerned about now is the future and not the past. I am taking more interest in Senator BORAH, who is advocating this measure, and Senator HEYBURN, who is opposing it, than I am in Solon or Lycurgus or Julius Cæsar. My face is toward the rising sun. I see the most significant changes taking place around me, and history does not help me.

We can not disguise the fact that a peaceful revolution is taking place in this country. We may be upon the side of the revolutionists or opposed to them; it matters not. The fact, however, admits of no denial; it stands out in bold relief, and political independence is the order of the day in both parties. The people are shaking off the manacles and fetters of political slavery, and link by link their chain is breaking. I am not here to deliver any dissertation upon the extent of this movement nor upon its merits, so far as its contemplated purposes are concerned. One thing is sure, and that is that the conflict is on and that the people, led by patriots, are in the field. I deny that this movement is deteriorating the standard of intelligence or morality of the public service. A prominent Senator proclaimed to the country a few years ago that "the Decalogue in politics was an iridescent dream." Any person who at this hour would announce that a moral code in politics was a dream would be branded as an outlaw and banished from the field of his political activity. Instead of an iridescent dream it is a radiant reality. A few years ago party servitude was a badge of honor, and if an unqualified candidate was nominated for public office it was considered the duty of every party man to rally to his support, and it was held to be disloyalty and treason to revolt against the nomination; but treason prospered, and when treason prospers it is no longer treason.

The measure now before us is merely a sign and symptom of the movement. It was put to its practical test a short time ago in the State of New Jersey. I am not just now selecting presidential candidates because I am not a politician, thank God. I do say this, however, that never upon the pages of our political history was there a more fearless exhibition of independence than that of the governor of that State upon this occasion. It was not a personal or political matter at all. A primary election had been held and I do not care how many or how few people voted at that primary, the people had the opportunity to vote and if they did not exercise the right it was their fault. Governor Wilson announced the principle that a moral obligation rested upon the legislature to sustain the result of the election. I am not disparaging anyone who was a candidate before the legislature. I am upholding, however, to the last degree, the principle that was proclaimed. He denied the right of anyone to corral the legislature and his undaunted courage in laying down the gage of battle to the forces that opposed him has drawn for him, from every section of the land, the commendation of his countrymen. It is the same way with us. We can not override the will of the American people, and we might as well fall in line with it. We might as well recognize the fact that this Senate is not more powerful than the constituencies it represents, and that we can not throt-

tle this reform any longer. The senior Senator from Idaho, with all his daring intrepidity and all his defiant courage, backed by the resources of his powerful intellect, can not march single handed over this land and overpower 90,000,000 of his countrymen.

The Senator, to whose arguments I always listen with a great deal of interest for a number of reasons and for one reason principally, and that is because he uses as good and pure English diction and expression as any Senator upon this floor, says that the matter has never been properly explained to the people. Now, let the Senator explain it, and I venture to say that with every explanation he will make converts upon the other side of the question.

Mr. President, there is no constituency in this land so benighted that it does not understand it.

And let me tell you it is a great mistake to suppose that this amendment depends for its support upon the ignorant masses of the country. It is exactly the opposite; it will gather its strength from every community where political integrity rules and intelligence prevails. As the roll is called from Commonwealth to Commonwealth you will find that from our seats of learning, from the ranks of educated labor, from our colleges and academies and universities, its apostles come, with free ballots and with ballots that are not for sale, and they comprise the flower of the rising generation of this land, who are not agitators or demagogues, who understand the philosophy of our institutions, who have determined to break the bonds of political servitude, and who have arrived at the conclusion that for them the road to an honorable ambition lies not upon the narrow path of legislative influence, but upon the open field where freedom thrives and honor blooms.

Mr. HEYBURN. Mr. President, it had not been my intention at this time to speak on the joint resolution or on the amendment, but the Senator from Maryland [Mr. RAYNER] has made some statements to which it seems to me it is well to reply. He has, as I understand him, suggested that because of the slight attention that would be paid to the amendment of section 4 of Article I of the Constitution, the people might be led to adopt it in ignorance of the fact that it was a part of the subject matter for their consideration. That does not appeal to me. Any proposition to amend the Constitution of the United States should be impressed upon all of the people and the fullest knowledge should be had by all of the voters as to its purpose.

I asked the Senator from Maryland if any State had ever proposed or recommended the amendment of section 4 of Article I of the Constitution. He said he knew of none. Mr. President, no State has ever suggested to Congress or at all that section 4 of Article I should be amended. It can not be claimed on behalf of that amendment that there is any pressure or demand from any part of the people of the United States that that part of the Constitution should be changed. Is it now proposed to attract the attention of the people to the amendment of section 1, and then, if I may use the term, slip in surreptitiously—without knowledge or notice to the people—an amendment to another and different part of the Constitution that is separate and distinct in its purpose and effect?

How is it that up to this day no one outside of this body has ever proposed to amend section 4 of Article I, or that it has never been thought of in the legislative bodies of the country or among the people of the country that section 4 of Article I should be amended?

The Senator says that unless section 4 is amended the States will repudiate the amendment to section 1. Well, in my judgment, the States will repudiate the amendment to section 1 and to section 4, or to either of them if those amendments are submitted to the people for their consideration. What possible excuse can there be in this hour for attaching the amendment to section 4 to the amendment to section 1 except it be to gain a strength for the amendment to section 4 which it could not otherwise obtain? Is that the high plane upon which legislative matters should rest, that you are going to use one section or one proposed amendment as a club to compel the people to support that which they do not want in order that they may obtain something that they do want? Is that the proper spirit in legislation, whether it pertains to amendments to the Constitution or whether it arises in the ordinary course of legislation?

What State in this Union would support the amendment to section 4 if it stood alone? Does the Senator dream that it could receive the support of a sufficient number of States to adopt it? Why not, if Senators think that section 4 should be amended, submit it as a separate amendment to the Constitution? Why not introduce a joint resolution in this body proposing to amend that section, and let it stand upon its merits?

No. But they would dragoon those who favor the election of Senators by direct vote of the people, as they call it, into their cause in order to gain strength for that which without it would have no strength whatever.

Will a Senator who is in favor of the amendment proposed by the Senator from Kansas [Mr. Bristow] submit to the introduction of a new element into this question in order that he may perhaps succeed in amending section 1? I doubt it. There is and there can be no reason why any Senator on this side of the House should support the proposition to amend section 4. If they are wedded to the idea of electing Senators by direct vote of the people, what else can they do but support the amendment introduced by the Senator from Kansas?

That is assuming, for the purpose of argument, that the proposition to amend section 1 has merit; it is assuming, for the purpose of argument, that the proposition to amend the Constitution so as to do away with the intervention of the legislatures is of sufficient importance to compel them to submit to an amendment to section 4 which has never been discussed by the people, never been advocated by any legislature, and which has no support based upon the demand of the people of the country.

No man has ever voted upon the question of the amendment of section 4; yet we are told on the other side that unless we submit to that amendment that has received no consideration outside of this body they will defeat the entire proposed amendment of the Constitution. Whenever the Congress of the United States resorts to that character of pressure for the purpose of enacting or on behalf of the enactment of a law or the change of the fundamental law, it will have abandoned principle and resorted to the law of expediency or resorted to the law which governs the highwayman—the alternative that is presented to a man, “if you do not abandon the principles that have marked your career and your course all your life we will defeat you in a just cause.”

I am not one of those who believe in the amendment to either section 1 or section 4. A few days since I gave my reasons for my opposition to the proposed amendment, and I am not going to attempt to cover that ground again. I am speaking now against the adoption of a measure here that proposes to change the fundamental law of the land without any pressure or demand whatever on the part of the people. What does the proposed amendment do to section 4? It leaves it, as was admitted by some Senator on the occasion of my former discussion of this question, a skeleton, without the form or semblance of law as law is written. It eliminates from the section the provision relative to the election of Senators, and leaves the provision giving Congress the power to fix the time, places, and manner of holding elections for Representatives stand alone in the section. What becomes of the principle for which they profess in this hour to contend? Why should one rule pertain as to the election of the Members of the House and be rejected as to Members of the Senate? The proposed constitutional amendment eliminates from section 4 the provision—

But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

That is eliminated entirely and we have remaining the mere skeleton:

The times, places, and manner of holding elections for Representatives shall be prescribed, etc.

Mr. President, there are some suggestions that I desire to make in addition to those I have heretofore made in regard to the election of Senators by what is called a direct vote. The population of our country is changing in character, and has been changing for half a century. The relation between the native-born American to-day and the foreign-born citizen of the United States is so radically changed from what it was 50 years ago that it enters into the consideration of this question. It was, 50 years ago, two-thirds American sentiment and one-third mixed sentiment. To-day the condition is reversed. It is one-third American sentiment and two-thirds mixed sentiment, from which we must gather the strength that will support the American sentiment. The proportion between those two classes of citizenship must be taken into consideration. We are receiving into this country an element of people that bring no traditions incident to our country with them. They come from other countries where the participation of the people in the determination of public questions does not exist. They come to this country with the idea that it is in the nature of a socialistic Government. They know nothing at all of the foundation, principles, or traditions of our Government. It takes generations for them to become imbued with the ideas essential to the maintenance of this Government; they seek to change it from the time they land on our shore. The element that supports the revolutionary party of this country is a foreign element. By and by, as gen-

Mr. BORAH. My colleague suggests there was a reason why the States were given control over the manner of electing electors, and why the States were given control, subject to the regulation of Congress, over the manner of electing Senators. I ask, as a matter of information, what was that reason? I have never been able to understand why the fathers gave to the legislature of the State the sole and exclusive power to prescribe the manner of electing electors and why they differentiated with reference to Senators. If there was a reason assigned in the debates or elsewhere I would be glad to have my colleague suggest it. I have never been able to find it.

Mr. HEYBURN. That is arguing that the presumption is against the wisdom of the founders of the Constitution.

Mr. BORAH. No; it is an humble and a frank admission on the part of the Senator from Idaho that he would like to learn something from his colleague.

Mr. HEYBURN. Mr. President, I do learn something every day from my colleagues, and the man who does not is probably either overegotistic or perhaps deficient in appreciation.

Mr. BORAH. I asked the question in perfect good faith. I assume my colleague thought I was simply bantering.

Mr. HEYBURN. No; I did not. I know the bent of mind of my colleague well enough to know he is sincere in what he does. But he has asked me a question, and it is my intention briefly to reply to it.

Mr. CHAMBERLAIN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I do not want to be interrupted just now. I will yield to the Senator from Oregon later.

When the question of the organization of this Government, as represented by the Constitution of the United States came before the people there were already States in existence, sovereign States, each bound only by articles of confederation. There was no concrete existing government, and it was necessary, in order to induce those States to enter into the compact represented by the Constitution, to recognize the States as governments, each distinct. The question arose as to how, or whether or not they should be a part of a general council of the Nation; and through long, hot days of debate that question occupied the attention of the constitutional convention. First, the question whether there should be one or two bodies. The States under the Confederacy had only one legislative body. They had no body of legislators which represented the States as States. The only legislative body they had represented all of the people in a Congress.

The States were not willing to give up their individual sovereignty unless they could retain their identity as States; and it was a question of contract between them as to how this branch of the Government, in which the States should appear as States, should be represented, and, secondly, how that representation was to be brought about. The disparity in size of those States, or of some of them, entered largely into the determination of that question. The smaller States, like Delaware, New Jersey, and others, were not willing to enter into any other body than the House upon the basis of their population. They said: "We are sovereign States; we want representation in a body in which all the States will be equal, have the same vote in determining questions that affect the Union or affect the States separately." They demanded it as a condition precedent to entering into the contract of government.

There would have been no occasion for having two Houses of Congress except for that condition. The demand for two Houses of Congress was based upon that condition. Otherwise, can any Senator give any reason why there should be two Houses of Congress?

If you are going to change the method of making up the Senate to the same method that prevails as to the House, you have only two Houses of Representatives. That is all. There is no longer that representation of the State as an entity. They would all be elected by what is called a popular vote, subject to the evils I have pictured.

I have heard my colleague say—and I suppose he is saying it now in his own mind—that the election by popular vote does not change the fact that the popular vote of the State elects the Senator.

But the government of the State is embodied in its legislature by the constitution of every State in the Union. The only government that the State has is crystallized in its legislature, and that is something for the State to look to. That which is crystallized government is recognized as the entity of statehood.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. The government of a State is crystallized in its executive, its judicial, and its legislative departments all combined. If you speak of it in the manner in which my colleague speaks of it, it would have been just as appropriate, if the fathers had seen fit to do so, to have referred the selection of Senators to the executive department. It could have been just as well said that the executive department alone, pursuing the argument which my colleague is pursuing, represented the government of the State. Now, as a matter of fact, speaking simply as a governmental entity, it is represented by the judiciary, the legislative, and the executive departments.

Mr. HEYBURN. Mr. President, it is true the State might have taken that position; but they did not. It was the States, and not the General Government, which determined how they should be represented in the United States Senate and how that representation should be procured. It was the States which opposed the idea that was advanced that Senators should be selected by the governor or by other portions of the State government. But it must be admitted that whatever government for the purpose of making laws there is in the State is in the legislature of the State. There is no government for legislation in the judiciary of the State, nor in the executive officers of the State; it is in the legislature. That is where the State government is crystallized, because the highest function of every government such as ours is in its legislative power. The courts are made by legislation, or the equivalent of it; they are added to or changed by legislation, or the equivalent of it, whether it be the State constitution or an act of its legislature. The States demanded this method of doing it, because the legislature was the only medium of power through which the State could act.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield further to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. If my colleague will pardon me for making one more suggestion—

Mr. HEYBURN. Certainly; it does not bother me at all.

Mr. BORAH. The legislature is the lawmaking body of the State, and it represents the sovereignty of the State so far as the lawmaking capacity of the State is concerned. One of the great objections which we have to permitting this function to remain with the legislature is because it is not a lawmaking function which the legislature is performing, and it is turning the legislature of the State into a political convention, which results in its being torn and distracted and venalized and corrupted by those things which work alone for political purposes and not for the purpose of making laws for the benefit of the State.

Mr. HEYBURN. Mr. President, that is the old argument of incompetency or unfitness of the legislature to perform this duty. The sovereignty of a State is in its legislature and nowhere else. It is not divided between the legislature and other functionaries of government. The sovereignty of a State rests where the lawmaking power rests, and it is not elsewhere, either in the State or in the General Government.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield further to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. Does my colleague contend that the sovereignty of a State is confined alone to the legislative department of the State?

Mr. HEYBURN. Yes, absolutely; and it was never written otherwise.

Mr. BORAH. Then when two governors are dealing with one another in reference to extradition neither of them represents the sovereignty of their respective States.

Mr. HEYBURN. They are merely the agencies of the legislatures that pass the law authorizing them to deal with each other.

That is police power. That is simply an act giving the performance of police duty by which one governor issues a requisition at the request of another for the purpose of apprehending those who have violated the law. The Senator would not contend that that was an act of sovereignty any more than he would contend that the arrest of a man on a street corner was an act of sovereignty.

Mr. BORAH. Mr. President—

Mr. HEYBURN. There is something which authorizes that to be done. The States have other powers that are granted through the Constitution of the United States. The Constitution of the United States is the foundation upon which the right of extradition rests; it was a part of the contract that formed the Nation.

erations come, they drop out, but they are reenforced by others that are coming in. For the last half century we have had to contend against the foreign idea or conception of our Government; we have had to contend against those who, because of their unfamiliarity with our system of government, are wandering in the field of political conjecture without any anchorage.

These conditions emphasize the necessity of standing by our written Constitution, which represented at the foundation of our Government the true principles upon which the Government should rest and which represent them in a larger measure to-day than ever before. There is more necessity to-day than there ever was for a citizenship that adheres to the foundation principles of this country, because of its traditions, because of the reasons for their adoption.

The Senator from Maryland says we are in an era of peaceful revolution. If this element is to grow and extend its influence upon our Government, we may find ourselves in a revolution that is not a peaceful one.

The guaranty, and the only guaranty, we have for the maintenance and continuance of our institutions under the Constitution is to maintain them. Nothing should recommend a change in the organic law of this country that arises in times of peace. We have never unwritten a word of the Constitution since it was adopted. It has never been seriously proposed that we unwrite a provision of the Constitution until in this hour, and we are proposing to write out of it the power of Congress to maintain the Government, to defend it against attempts to undermine and sap the fundamental law. Never until this hour has it been proposed to diminish the power of the Government in maintaining its own life and integrity. Men have talked it, revolutionists have preached it, theorists have prated about it, but statesmen have never before proposed to unwrite any provision upon which the power and the supremacy of our country rested.

At no time has it been proposed, prior to this hour of political disturbance referred to by the Senator from Maryland [Mr. RAYNER], that we should take away from the States acting as States the power to perform their constitutional functions in selecting Members to this body. Never has it received the consideration or the serious consideration of the Senate of the United States, and yet we are told now that we are going to change the whole system that regulates the relations between the States and the Government under the specious pretext of getting nearer to the people.

How does it get nearer to the people? As I see it only as it is, in the parlance of the police records, that it will get nearer to the people in order that it may get its hands into the pockets of the people's rights and filch them away. That is the way it will get nearer to the people.

Look at the result! To-day we have under consideration a great investigation involving the regularity of the election of a Member of this body. We are called upon to investigate the proceedings of the legislature of a single State. We can not attack or question the right of any member of the legislative body to hold office. We accept the legislature as the people of the State constituted it. What do we propose to do now? We propose to make it necessary, in the event of a contest, to investigate every county and precinct and ward in any State where a controversy arises. We open the temptation to those who would gain by these contests to contest, through the committees of this body, the elections in wards and counties and precincts.

We endanger the stability of the act of the people in another way. Should Senators be elected at a general election where precinct, county, State, and other officers are elected, the result of those elections could be tied up indefinitely. Proceedings to determine the regularity of an election at which State and county officers are elected would involve the determination of the election of a United States Senator which depended upon the vote in those subdivisions of our Government.

If a great contest arose over the election of a Senator from one of our great States within which great cities exist, we would have to send our committees to the ward poll books, to the county returns or the returns of the State; and Congress can not take away from the courts of the States the right to investigate those elections. Congress can not controvert the conclusion of the courts as to whether or not the polls were opened at the hour provided by law; as to whether or not the ballots were counted in the manner provided by law; as to whether or not the returns were made in the manner provided by law. They would be subject to the control and decision of the courts in proceedings familiar to every Member of this body regarding the regularity and the legality of the election; and then what would become of the United States senatorship?

No man could appear at the bar of the Senate with credentials until those questions were determined in the local courts.

Who then would be determining the right of a Member to his seat in this body? The local courts, the supreme courts of the States, after the long term or procedure in which the consideration of the legality of those elections were being heard and determined. No man could appear at the bar of the Senate, because he would have no authenticated credentials which would authorize him to appear here.

Now, that might occur in one State or it might occur in all of the States, and it would be a temptation to many who were making a desperate struggle to be elected to this body to throw confusion about the election, to have claims made as to its irregularity, in order that it might be tied up in the courts, and there eventually, perhaps one or two or three years afterwards, be determined.

You transfer, in effect, the right to determine the membership of this body from the body itself to the minor courts of the land. We could not take up for consideration a question whether or not any man had been elected a Member of this body until the returns were canvassed. There is not a Senator here who has not in his own mind fresh the recollection of cases in which the canvassing of the returns of the election was enjoined by a court or controlled by it. The very foundation upon which the Senate bases the consideration of the question as to the right of one claiming membership in this body could not even be initiated until the courts having jurisdiction under the laws of the State had passed upon it.

These objections suggest themselves to the minds of Senators when they talk about taking the power and the duty from the legislature and placing it in the ward precinct. These questions are of such vast importance that they overshadow all of this political cry of corruption in legislatures. Is corruption more likely to exist in a legislative body than it is in the voting precincts of a State?

Mr. CHAMBERLAIN. Mr. President—

The PRESIDING OFFICER (Mr. JONES in the chair). Will the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. CHAMBERLAIN. I should like to ask the Senator from Idaho a question. As a matter of fact, is not the spirit of the Constitution violated now in those States where primary elections are held for the nomination of Senators and where the legislature usually follows the direction of the voters of the States with reference to the election of Senators?

Mr. HEYBURN. If there is one thing in my political career that I am more proud of than another, it is that I have always and consistently opposed the system suggested by the Senator from Oregon.

Mr. CHAMBERLAIN. I ask the Senator the question if it is not a fact that in most of the States of the Union the spirit of the Constitution is now violated in that respect, in that the people nominate their Senators and the legislature follows the suggestion of the people with reference to the election?

Mr. HEYBURN. I am restrained by such patriotism as I have from confessing that the Constitution of the United States is indirectly violated.

Mr. CHAMBERLAIN. Is it not so?

Mr. HEYBURN. It would be a crying shame against the people of the country to admit that the Constitution of the United States was being indirectly violated; and no man is a safe legislator or representative of the people who favors the indirect violation of the Constitution of the United States.

Mr. CHAMBERLAIN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho further yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. CHAMBERLAIN. Whatever the Senator from Idaho may say with reference to that, I ask him if there is any provision in the Constitution which requires the elector, after he has been elected, to vote for any particular candidate for President?

Mr. HEYBURN. That is a stock argument. I have heard it so often. It is a comparison that is not a comparison. It is begging the question. The Constitution provides one manner for the election of Members of the House of Representatives. It provides another method for the election of presidential electors. Is that any reason why we should change the Constitution in regard to the manner of electing United States Senators?

There was a reason for the adoption of the different methods in the beginning, and that reason is just as potent to-day as it was then.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. At one time in the Constitutional Convention Mr. Hamilton suggested that Senators be elected by dividing the States into districts and electing electors, which electors should choose a Senator. If that had been done, would not the Senator have represented the State the same as he does now?

Mr. HEYBURN. Mr. President, it is equivalent to asking whether or not if the Constitution of the United States had contained the Decalogue it would not be a religious institution. The fact is that they did not do it. The fact is that Mr. Hamilton's proposition was not accepted. The fact is that his methods of government were not adopted in that regard, and what is the use of wasting time in discussing the question as to what would have happened if Mr. Hamilton or Mr. Madison or any other member of that body had succeeded in forcing upon it views that were never accepted?

Mr. BORAH. I think there is a good deal in the suggestion of the Senator that we are wasting time in the discussion, but I am not willing to admit that Mr. Hamilton did not know where the sovereignty of the States rested.

Mr. HEYBURN. Mr. President, he did not know any better than my colleague knows or than I know or than other Senators know. If we are to be governed by the rejected wisdom of the patriots of that age, there would be no limit to what we might do in interpreting the fundamental law of the land. There is no use in wasting time over it. If something else had been done we might not have been a government; we might not have endured to this day. I can imagine several things that were proposed in the Constitutional Convention that made the Constitution of the United States which would have resulted in the disruption of this Government long ago.

Mr. CHAMBERLAIN. Mr. President—

Mr. HEYBURN. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. I should like to ask the Senator if he entertains the same fear that is entertained by many who have the same opinion he has—that if the amendment his colleague is pressing prevails the States will be deprived of their equal representation in the Senate?

Mr. HEYBURN. Not equal representation now. I discussed that question the other day and I promised that I would not go over it again. It is an important question. It goes not to the question that we have under consideration to-day, but it would pertain to the question of the calling of a constitutional convention. Many of the States have requested that a constitutional convention be called. We do not need to discuss that in this hour, because we are not proposing that a constitutional convention shall be called.

Mr. CHAMBERLAIN. I call the Senator's attention to Article V of the Constitution, which provides—

Mr. HEYBURN. I am very familiar with that article.

Mr. CHAMBERLAIN. It provides—

that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

It can not be done without the express consent of that particular State. So if all the other States were to consent to a change of their representation in the Senate, still Idaho might insist that it should be represented by two Senators.

Mr. HEYBURN. As I have stated, it is not worth while to enter upon a discussion of that question. The people of the United States are greater than the Constitution; they made it. They did not create anything that was greater than all the people. If the people of the United States meet in a constitutional convention to-day, they meet there with an unlimited right to make a constitution. You can not limit it. Congress can not limit the rights of the people, nor say what they shall do when they meet in a constitutional convention. They could disregard the article to which the Senator from Oregon refers and make a constitution in which that did not appear.

When the States are calling for a constitutional convention they know not what they are doing. They know not the danger that would confront them under such circumstances. It ought to be the wish and the hope of every patriotic American citizen that we would never again meet to make a constitution. With all the conflicting interests of this day and this age, with the great corporations, with the great labor question, with the hundred issues, you never could get 90,000,000 people to agree upon a constitution. No country the size of this country could make a constitution in this age. It is only in the incipient periods of government that they can do that kind of thing.

Mr. RAYNER. Mr. President—

Mr. HEYBURN. When there is no government and when there is a necessity for the creation of a government, then the smaller number that are always represented under such conditions can agree. There is the element of necessity; there is the spur to do something that will enable the people to have laws and enforce them; but with 90,000,000 of people we

could never agree upon a Constitution. There would be the sectional questions, the race questions, the great moral questions which are before the country; they would all have a strong representation in such an organization and insist that a particular tenet should be incorporated into the Constitution. I yield to the Senator from Maryland.

Mr. RAYNER. Mr. President, if the Senator will just give me his attention for a moment; I was called out of the Hall during a part of his argument, but I wish to ask him a question. I do not suppose anyone on this floor is more familiar than the Senator from Idaho with the constitutional history of the country. I want to ask his view on this point: I adverted the other day to what was done when the States ratified the Constitution of the United States, and the senior Senator from Georgia [Mr. BACON] made an exhaustive argument on the same subject at the last session. It was done by 9 of the 13 States. The records of the other 4 States are lost, but I never had any doubt in my mind, and I do not think the Senator will have any doubt in his, that they would have adopted similar provisions. Nine of the 13 States put in the articles of ratification a construction of this fourth article, which did not give Congress the power to make, change, or alter the regulations of the States.

Now, I want to ask the Senator whether in his opinion, in arriving at the intention of the lawmakers, the best evidence of that intention is not what is contained in the articles of ratification?

I will follow that with another question. I ask the Senator whether in his opinion the Constitution of the United States would ever have been ratified if any one of those nine States had put the construction upon that constitutional article which the Senator from Idaho now places upon it?

Mr. HEYBURN. Mr. President, in the first place, the resolutions of ratification are no part of the Constitution of the United States. It has been held that they are no part of it, and they can not be appealed to in the construction of the Constitution in the Supreme Court of the United States.

Mr. RAYNER. I should like the Senator from Idaho to give me a single authority upon that subject.

Mr. HEYBURN. I might very easily be led off into a legal discussion and review of every decision of the Supreme Court in regard to this matter, but Senators must search for themselves. I take the responsibility of standing here in my place in this body and saying that the resolutions of ratification have never been held to be a part of the Constitution of the United States.

Mr. RAYNER. That is certainly true. No one would contend that the articles of ratification are a part of the Constitution of the United States, because, if they were, they would be in the Constitution. But are not the articles of ratification the best evidence of what the States intended when they ratified the Constitution?

Mr. HEYBURN. They are not evidence at all.

Mr. RAYNER. One moment. When Virginia, North Carolina, Rhode Island, Massachusetts, and all the States placed in their articles of ratification a provision that they would not ratify the Constitution if it meant what the Senator says it means—that Congress should make and alter the regulations—does the Senator say that is no evidence at all of the intention of the States?

Mr. HEYBURN. The intention of men in a State is one thing. I repeat that the resolution of ratification has never been held, and I assert it never will be held, to be a part of the Constitution or proper for consideration in the interpretation of any provision in the Constitution of the United States. The Senator will search in vain through the decisions of the Supreme Court of the United States for a reference to them in aid of the interpretation of any provision in the Constitution of the United States. When that great charter was written, it excluded everything that had preceded it in the way of argument as to why it was written. Through all the consideration given to the Constitution by the great jurists who had to deal with it in the first 30 years of the life of our country there is no decision based upon the ratification or the terms of the ratification of the Constitution. The Constitution was complete in itself, sufficient to enable the courts to establish a rule that could not be tempered by the resolutions of ratification, and we must consider it in this day.

Are we to shake the foundation of the Constitution by an appeal to that which transpired in the constitutional convention or in the proceedings of the States when they were considering its ratification? In the hour when we enter upon that method the Constitution will lose its great character that has been the safeguard of this Government. Certainty in the law, certainty in its meaning and in its execution, is of first impor-

tance. Can you come in 100 years after the making of such an instrument and show by irresponsible action of men—and it was irresponsible—that they did not mean what they said when they ratified, not the resolutions—they did not ratify the resolutions—but ratified the Constitution which did not contain the resolutions?

Mr. President, the question is, Shall it be changed? What has arisen in this country that justifies, much less demands, its change? Of course, it could be changed in many ways, perhaps, without destroying its efficiency as a basis for government, but the question now is not could it be done, but should it be done. What will be the demand to-morrow do you think? What will be proposed as the next amendment to the Constitution of the United States?

I know men who will be clamoring for a change in the manner of electing the President of the United States. I know men who will be clamoring for the recall of the Representatives of the States from Congress. I will not believe that there is a Senator in this body who would support such a proposition, yet I have seen it in print recently that the Constitution should be changed so as to permit a recall of the Representatives of the States in both Houses of Congress. What next? To destroy the life tenure of the judges will be the next one. Those who do not know the Constitution, who have no intelligent conception of its purpose, would support such an amendment. To limit the tenure of office and inject ambition and politics into the United States Supreme Court and break down the stability of our Government is one of them. Just start this raid upon the Constitution once and see where it will end.

You will see men standing up and claiming that the people are clamoring for it. The only people who are clamoring for those things are those who have no proper conception of the purpose of the system of our Government. Just open this door once and you will see. It will not be opened, thank God. The States will reject your proposition, and there will be hours and years for discussion among the people. The people love the Constitution of the United States and the Government that it stands for, and their vengeance will fall upon those whom they discover in the act of trying to subvert it and change it to the passing whims and fancies of a period of time where men's ambition is clamoring for a change of conditions in order that they may gain something. The people will awaken to this fact.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes; I yield.

Mr. CUMMINS. I understood the Senator to say a few moments ago that under certain influences, which he described, the voters of the United States had become incompetent and unfit to elect Senators by direct vote.

Mr. HEYBURN. Either the Senator's ears or my tongue must be out of order—one or the other.

Mr. CUMMINS. I am sure it was the Senator's tongue, for I could not have misunderstood his very studied reference to the influences of immigration and the consequent deterioration of the citizen of the United States. Immigration has brought us men, as claimed by the Senator, without tradition, without sentiment for free institutions, without the understanding of free institutions. Did not the Senator a few moments ago make the argument I have just cited?

Mr. HEYBURN. I am unable to see the connection between that statement and the first. I presume the Senator can connect them.

Mr. CUMMINS. The Senator was proceeding to decry the amendment to the Constitution because, he asserted, legislatures would elect better men to the Senate of the United States than the voters he described would elect to the Senate of the United States. That was the conclusion of the Senator's argument. Am I not right?

Mr. HEYBURN. I will tell the Senator what I said, and I will apply it. The Senator seems to have been unable to apply my remarks to the question under consideration.

Mr. CUMMINS. I often find myself unable to apply not only the remarks of the Senator from Idaho, but a great many other remarks I hear on the floor.

Mr. HEYBURN. To take up distinct subjects and embody them into a continuous question presents a difficult problem sometimes.

Mr. CUMMINS. I think this is a difficult problem for the Senator.

Mr. HEYBURN. Now, let us see what I will do with the problem. I referred to the standard of the new citizenship in connection with the question of the conservative, reliable element of the American people that must be depended upon to maintain the traditions and the principles of our Government.

I never will retreat from that statement. Our immigration is made up from men who are not familiar with American institutions. The great majority of them know nothing of the history out of which present conditions grew. The great majority of them know nothing of the traditions of the Government as crystallized and embodied in the laws that govern us, and too often their first effort is to change a law which is a surprise to them, or inconvenient, as it may be.

Mr. CUMMINS. Mr. President—

Mr. HEYBURN. Just a moment. I do not apply that to all the citizenship that comes to us. I was simply issuing a warning against taking the judgment of that predominant element as against the judgment of those trained and born through their ancestry as a part of this Government.

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. It is perfectly clear that I was right, and the conclusion which the Senator from Idaho drew from his premises was that it was unwise to extend to these voters the further power and privilege to elect directly Senators of the United States.

Mr. HEYBURN. Yes; that is right.

Mr. CUMMINS. I am quite right. Now, may I ask the Senator another question?

Mr. HEYBURN. Certainly; and I will answer the question, but I do not want to go off into that field of argument.

Mr. CUMMINS. Before the Senator answers me I want to add to it another question, which I am sure he will be willing to answer at the same time. He believes that the legislatures of the several States are better fitted to elect Senators than the voters in their primary capacity. I have no doubt he believes that honestly. I suppose he has fair respect for the present membership of the Senate of the United States, has he not?

Mr. HEYBURN. I think the Senator had better withdraw that question. It implies that I do not.

Mr. CUMMINS. No.

Mr. HEYBURN. And a Senator—

Mr. CUMMINS. No; on the contrary—

Mr. HEYBURN (continuing). Who will stand here and attack the ability or integrity of a fellow Member is not a man to be heard on this floor.

Mr. CUMMINS. On the contrary, it implies that he has the respect of which the Senator spoke. It was simply a prelude to the further question, which is, How many Senators now sitting in the Senate of the United States were, in fact, selected by the legislatures of their several States and how many are the choice of these same voters expressed in some form of primary?

Mr. HEYBURN. Very well; I will find out. Does the Senator from Iowa represent the will of the people of Iowa? I will commence and I will catechise a few Members and find out whether any of them will acknowledge that they are not here by virtue of the exercise of an honest judgment.

Mr. CUMMINS. I will answer the Senator from Idaho, although I am sure if he would simply recur to the laws of the several States he would know what proportion of the membership of this body has been in fact selected by the legislatures. Now, answering for myself, I will say that I was selected by a primary vote in my State, and, in my opinion, if I had not made many, many struggles before the primary voters of my State and if I had depended simply upon the will or wish of a legislature, brought together as legislatures are ordinarily brought together, I never would have been in the Senate of the United States.

Mr. HEYBURN. Mr. President, I will not join with the Senator from Iowa in discrediting the State of Iowa or the legislature of it. I will not accept the statement of the Senator from Iowa that the Legislature of Iowa is corrupt or was corrupt, or that the State of Iowa is not capable of selecting an honest legislature.

Mr. CUMMINS. Mr. President, I have said nothing of that sort. I only say it would have selected, probably, had not the influence of the primary been brought upon it, some other man to represent it in the Senate of the United States, and that man—

Mr. HEYBURN. Some bad man?

Mr. CUMMINS. That man might have represented the State far better than I can possibly represent it; but I am not going to admit it.

Mr. HEYBURN. Would they have selected some bad man for the Senate?

Mr. CUMMINS. I hope not, Mr. President, but the chances are that he would have been a man holding different views from those which I hold.

Mr. HEYBURN. Would the Senator object to placing in a receptacle of some kind the names of the Senators who, in his judgment, are not entitled to seats on this floor?

Mr. CUMMINS. Mr. President, the Senator from Idaho is illogical, as he generally is, and facetious, as he always is. I have not suggested that the legislatures of the several States who have elected men without the interference or influence of a primary have not elected good men, but the Senator from Idaho is insisting throughout a long course of argument that if the voters of the United States be permitted to say who shall be their Senators then this body will be overrun by a crowd of incompetent and unfit and rash and socialistic and radical men who have no proper views of government. I am simply recalling to his attention the fact that the people of this country, in despair of amending the Constitution, have accomplished this reform for themselves.

Mr. HEYBURN. Like a burglar.

Mr. CUMMINS. In an irregular way, I agree, but they have accomplished it.

Mr. HEYBURN. Like a burglar.

Mr. CUMMINS. And they have accomplished it so effectively that, whether the Constitution is amended or not, the people in many or most of the States will choose their own Senators.

Mr. HEYBURN. Mr. President, the Senator has made an assertion as to what I have said that has no foundation and will not be found in any record on earth, not even in an irresponsible newspaper—that is, that the people of the United States are incompetent—

Mr. CUMMINS. Mr. President—

Mr. HEYBURN. Just a moment.

Mr. CUMMINS. I am going to retract if I have made any such statement.

Mr. HEYBURN. The Senator makes that statement. He says I have stated that if the people elected Senators they would be incompetents. I use the word "incompetents" to include all the various designations that he used. I have said nothing of the kind, here or elsewhere, and I believe nothing of the kind. The Senator made that statement and then rushed along to another subject not germane to it, so that I might, perchance—I do not mean that he did it with that idea—but so that I might, perchance, overlook the fact that he charged me with entertaining and expressing views that I have never entertained and expressed. I have confidence in the people of the United States that they have too much sense to change the Constitution of the United States, and that will be impressed upon the memory of the Senator from Iowa and upon the memory of all Senators. This body of 92 men may demand a change in the Constitution, but the people of the United States, the composite wisdom of the people of the United States, will not justify them nor support them.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I do.

Mr. CUMMINS. That, Mr. President, is a matter for the future. But if I have misunderstood the Senator from Idaho, I am quick to express my regret for the misunderstanding and my great pleasure to discover that I did misunderstand him. If the Senator from Idaho believes, as he now says, that the people of this country can wisely and safely and patriotically elect their Senators, then, of course, the whole argument is at an end.

Mr. HEYBURN. Mr. President, the American people are capable of maintaining a good government and of selecting wise, intelligent men to exercise the right of government for them. They elect to the other House of Congress men who in character and ability are the equals of the men who occupy seats in this Chamber; and I have never intimated, and no man can charge me with ever having said, that the people are not capable of selecting wisely when they choose their representatives. I have talked about the States and I have talked about the manner in which the people in the States could best exercise their duty to choose Members of this body. I do not necessarily condemn every other man; I do not necessarily have to abandon an existing provision of the Constitution merely because some other provision might be made or might work equally well. Is this attempt to amend the Constitution simply an experiment to see whether or not something else might not do as well? Is that a sufficient motive; is that a sufficient reason for the amendment of the Constitution? They have brought in this proposition and then go out to seek for reasons and justification for it.

This measure is not in response to the constitutional number of States who may require us to act or who may act upon this question. Suppose, for instance, as the law provides, a jury

of 12 men shall be summoned to try a cause. If 11 of them are of one opinion, does that justify the rendering of a verdict? Would the court receive the verdict because it represented the sentiment of the majority?

The Constitution says that we may propose amendments to the people. That is the subject under discussion; but Senators have continually forced upon our attention the fact that a certain number of States, less than the constitutional number, have demanded a change in the method of electing Senators.

If one less than the constitutional number demands it, it does not justify our action on the ground that the people have demanded it. It requires the constitutional number of States to express an opinion upon which we may act. A jury can not render a verdict upon the judgment of 11 men, nor can we act under the claim of justification by public demand unless that proportion of the public named in the Constitution demands the change. There has never been a time when the constitutional demand for the proposed amendment has been made upon Congress. There are to-day not to exceed 19 States which have asked Congress to take this action. Congress does not require any demand, but Senators here place their claim for support upon this alleged demand of the States. When a sufficient number of States come to Congress demanding a constitutional change, I would be the last man in the world to stand here and oppose it, for it is a constitutional right; but until they do, I do not propose to be dragooned into the support of a measure under the pretense that it is in answer to a popular demand, when there is no demand that should appeal to us. When Senators vote for a proposed constitutional amendment such as is before us, they must do so on their judgment, and the Senator who does not do so on his judgment is not justified in doing so at all.

The people, however, will have a chance to deal with this question; and as this is the last time that I expect to speak upon it at this session of Congress, and I hope forever, I have felt impelled to present the views that I have expressed this afternoon. Let it go out to the people of this country that you are proposing to experiment with the Constitution and to make a change for which there is no sufficient reason—a change that is a charge in itself against the integrity and ability of the people who select the State legislatures—and they will resent it.

You are going to send the proposed amendment to the discredited tribunals, the legislatures of the States who, you say, are not fit to select Senators, and yet those legislatures are to pass upon this question. Are they better fitted by intelligence or integrity to pass upon the wisdom of this amendment to the Constitution than they are to pass upon the selection of a United States Senator?

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the senior Senator from Idaho yield to his colleague?

Mr. HEYBURN. I do.

Mr. BORAH. I desire to ask, Is there any other body to which we can submit this question for ratification? If we could submit it direct to the people, I should be very glad to do so.

Mr. HEYBURN. Well, Mr. President, inasmuch as it ought not to be submitted at all, I do not think I need go out and hunt some person to whom to submit it. But does the Senator remember that in history he is told that the makers of the Constitution submitted it to the legislatures of the States? Were those legislatures fit to pass upon the creation of the Constitution and all that is in it? Of course it was ratified by the legislatures of the States. How does the Senator suppose it was ratified?

Mr. BORAH. It was ratified by conventions elected for that purpose.

Mr. HEYBURN. It was left to the States, and the legislatures created the conventions. Were those legislatures, those incompetent, corrupt, inefficient bodies selected from the best citizenship of the States fit to create conventions? Are those legislatures to be discredited because they are not fit, are not competent, can not be trusted to elect Senators, when every Member of this body was elected by a legislature? Is there any Senator here who will dare send back home the message that the legislature which elected him was corrupt and inefficient? It might probably affect his return.

I should like to see some Senator rise in his seat and say that the legislature of his State which elected him was not competent, was not fit, was not honest enough to be trusted. [Laughter.] Then I should be interested to see him go back and say "I am a candidate for reelection." [Laughter.]

Mr. President, the next time I speak upon this question it will be to the people in the States.

EXECUTIVE SESSION.

Mr. GALLINGER. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 8, 1911, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 7, 1911.

UNITED STATES DISTRICT JUDGES.

Henry A. Middleton Smith to be district judge for the district of South Carolina.

James D. Elliott to be district judge for the district of South Dakota.

PROMOTIONS IN THE NAVY.

Lieut. Commander Frank H. Schofield to be a commander.

The following-named ensigns to be lieutenants (junior grade):

Owen Bartlett,
Henry G. Fuller,
George E. Lake,
Fred F. Rogers, and
Arthur A. Garcelon, jr.
The following-named midshipmen to be ensigns:
Ralph D. Weyerbacher,
William W. Smith,
Luther Welsh,
David I. Hedrick,
Carl P. Jungling,
Olaf M. Hustvedt,
Gaylord Church,
Harold T. Smith,
Cummings L. Lothrop, jr.,
Preston B. Haines,
Herbert R. A. Borchardt,
Thomas B. Richey,
Robert S. Robertson, jr.,
Gerard Bradford,
Mark L. Hersey, jr.,
Frank T. Leighton,
Alva D. Bernhard,
Chester S. Roberts,
Penn L. Carroll,
Benjamin V. McCandlish,
Daniel A. McElduff,
Arthur S. Dysart,
Hugh P. Le Clair,
Phillip F. Hamsch,
Edmund S. R. Brandt,
Ralph D. Spalding,
James D. Maloney,
Alan G. Kirk,
Fitzhugh Green,
Levi B. Bye,
Granville B. Hoey,
Tracy L. McCauley,
Francis W. Scanland,
Joel W. Bunkley,
Max B. De Mott,
Ernest J. Blankenship,
John J. Saxer,
Leo L. Lindley,
Harold C. Train,
Richard McC. Elliot, jr.,
Lee P. Johnson,
Monroe Kelly,
Alfred L. Ede,
Raymond E. Jones,
Marion C. Robertson,
Edward C. Ragnet,
Ward W. Waddell,
Charles C. Davis,
Robert R. Paunack,
Frank D. Manock,
George K. Stoddard,
Williams C. Wickham,
Freeland A. Daubin,
Anson A. Merrick,
Hugh V. McCabe,
Paul H. Rice,
William C. Faus,
Radford Moses,
Thomas E. Van Metre,

John H. S. Dessez,
Stuart S. Brown,
Richard W. Wuest,
Charles H. Morrison,
Robert G. Coman,
William C. Bartlett,
Holbrook Gibson,
Howard H. J. Benson,
William D. Billingsley,
Virgil J. Dixon,
James B. Glennon,
Franklin Van Valkenburgh,
Vance D. Chapline,
Charles S. Yost,
Frank A. Braisted,
Robert E. Thornton,
John Borland,
Oscar C. Greene,
Raleigh C. Williams,
Thalbert N. Alford,
Eugene M. Woodson,
James S. Spore,
Charles H. Maddox,
Edgar A. Logan,
Benjamin F. Tilley,
Mark C. Bowman,
Harold A. Waddington,
Percy W. Northcroft,
Augustine W. Rieger,
James B. Rutter,
Cyrus D. Gilroy,
Theodore H. Winters,
Robert P. Guiler, jr.,
Ralph G. Haxton,
Charles M. Elder,
James M. Doyle,
Creed H. Boucher, and
Henry T. Settle.

POSTMASTERS.

IOWA.

H. E. Deater, Shenandoah.

MICHIGAN.

A. J. Glover, Galien.

John T. P. Smith, Clarkston.

NEBRASKA.

William R. Pedley, Bertrand.

OREGON.

John A. Stevens, Dufur.

VIRGINIA.

Charles C. Bolton, St. Paul.

A. P. Calfee, Basic City.

Charles A. Lacy, Houston.

John Henry Scott, Saltville.

Clinton L. Wright, Norfolk.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 7, 1911.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, author of our being and bestower of every good gift, we lift up our hearts in gratitude to Thee for all Thy favors, and we most fervently pray that Thy spirit may so completely possess us that it may crowd out of our being all evil desires and sinful propensities, that we may hallow Thy name in all that we undertake this day, that no sorrows, no regrets shall follow in its wake to disturb our peace and happiness, and we will ascribe all praise to Thee through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

Mr. SIMS. Mr. Speaker, I ask to submit a request for unanimous consent.

The SPEAKER. The Chair would desire to inquire of the gentleman from Tennessee what it is about.

Mr. UNDERWOOD. Will the gentleman yield to me for a moment?

Mr. SIMS. I yield to the gentleman from Alabama for a moment.